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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

X CORP.,

Plaintiff,

v.

ROBERT A. BONTA, Attorney  
General of California, in his  
official capacity,

Defendant.

No. 2:23-cv-01939-WBS-AC

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

1 Before the Court is Plaintiff's Motion for Preliminary  
2 Injunction. Upon consideration of the Motion and all briefs and  
3 supporting papers and in accordance with Rule 65 of the Federal  
4 Rules of Civil Procedure, the Court concludes that the Motion  
5 should be granted and a preliminary injunction shall remain in  
6 effect during the pendency of this litigation.

7 Defendant Attorney General Robert Bonta, in his official  
8 capacity, is charged with enforcing Assembly Bill 587 ("AB 587"),  
9 which is codified in California Business Code Chapter 22.8,  
10 entitled Content Moderation Requirements for Internet Terms of  
11 Service, Cal. Bus. & Prof. Code §§ 22675-22681. Plaintiff X Corp.  
12 is a social media company governed by AB 587.

13 Plaintiff has evidenced a colorable claim that AB 587 violates  
14 the First Amendment of the United States Constitution and Article  
15 I, Section 2, of the California Constitution by compelling X Corp.  
16 to speak about its moderation of hate speech, racism, extremism,  
17 radicalization, disinformation, misinformation, harassment, and  
18 foreign political interference; impermissibly interferes with the  
19 constitutionally-protected editorial judgments of X Corp.; has both  
20 the purpose and likely effect of pressuring social media companies,  
21 such as X Corp., to restrict, remove, demonetize, or deprioritize  
22 constitutionally-protected speech that the State deems undesirable  
23 or harmful; and places an unjustified and undue burden on social  
24 media companies, such as X Corp. Plaintiff has also established a  
25 likelihood of success that AB 587, due to its imposition of civil  
26 penalties, conflicts with, and is thus preempted by, 47 U.S.C. §  
27 230.

28 Plaintiff has established it will likely suffer irreparable

1 harm if AB 587 is not enjoined, and that the balance of equities  
2 and public interest favor an injunction. Thus, the Court will  
3 grant Plaintiff's request to enjoin AB 587.

4 It is therefore ORDERED that Plaintiff's Motion for  
5 Preliminary Injunction be, and the same hereby is, GRANTED.  
6 Pending final resolution of this action, Defendant, his agents and  
7 employees, all persons or entities in privity with them, and anyone  
8 acting in concert with them, are hereby ENJOINED from enforcing AB  
9 587 against Plaintiff.

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11 IT IS SO ORDERED.

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13 DATED: \_\_\_\_\_

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14 Honorable William B. Shubb  
15 United States District Judge  
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